

### **REMARKS**

The Office Action mailed May 29, 2008, has been received and reviewed. Prior to this communication, claims 1-29, 48-60 and 72-93 were pending. All claims stand rejected under 35 U.S.C. § 103 as unpatentable over U.S. Patent No. 6,607,483 to Holland (the "Holland reference"), and on the basis of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-94 of U.S. Patent No. 6,746,370. Claims 1-29, 48-60 and 72-93 have been canceled in this amendment to advance prosecution, and the rejections rendered moot.

New claims 113-168 have been added. Care has been exercised to introduce no new matter. Reconsideration of the present application in light of the above amendments and the following remarks is respectfully requested.

New independent claim 113 is directed to a method for managing athleticism development program data. The method includes receiving subscriber performance data for a plurality of athleticism development program subscribers and storing the subscriber performance data in a database (**pg. 21, lines 3-8**). The subscriber performance data for each of the plurality of athleticism development program subscribers comprises a plurality of athleticism performance evaluation quantitative results (**pg. 7, lines 12-13; pg. 15, lines 4-9**), and a plurality of training set performance evaluation component quantitative results corresponding to a plurality of training set performance evaluation components (**pg. 9, lines 12-13; pg. 10, Table 4; pg. 15, lines 4-9**). The method additionally includes determining an athleticism performance evaluation achieved score based on a subscriber-specific athleticism performance evaluation quantitative result for each of the plurality of athleticism development program subscribers, wherein determining the athleticism performance evaluation achieved score comprises comparing the subscriber-specific athleticism performance evaluation quantitative result with a baseline

athleticism performance evaluation score (**pg. 10, lines 16-20**). The method also includes determining a training set performance evaluation component achieved score based on a corresponding subscriber-specific training set performance evaluation component quantitative result for each of the plurality of athleticism development program subscribers, wherein determining the training set performance evaluation component achieved score comprises converting the subscriber-specific training set performance evaluation component quantitative result to a corresponding training set performance evaluation component achieved score (**pg. 14, lines 20-28; pg. 15, lines 4-9**). Also, the method includes facilitating preparation of a subscriber performance report for a specified one of the plurality of athleticism development program subscribers (**FIG. 9; pg. 21, line 22—pg. 22, line 23**). Support for the newly added claim may be found in the Specification, for instance, the parenthetical references indicate at least one instance of support in the original specification.

Applicants submit the invention of claim 113 is patentable over the Holland reference and the other references of record (including those provided in the Information Disclosure Statement filed concurrently with this response). Specifically, the Holland reference is directed to a system that involves measuring a number of health characteristics and measuring the changes in these particular health characteristics over a number of separate assessments. Among other deficiencies, the Holland reference fails to teach or suggest the claimed method for managing athleticism development program data including (a) determining an athleticism performance evaluation achieved score by comparing a subscriber-specific athleticism performance evaluation quantitative result with a baseline athleticism performance evaluation score, and (b) determining a training set performance evaluation component achieved score by

converting a subscriber-specific training set performance evaluation component quantitative result to a corresponding training set performance evaluation component achieved score.

Also, claim 113 of the present application is patentably distinct from claims 1-94 of the U.S. Patent No. 6,746,370. Specifically, the claims of U.S. Patent No. 6,746,370 are directed to inventions requiring standardized athleticism levels and/or level assessments whereas claim 113 is directed to the management of athleticism development program data including determining achieved scores from quantitative results as recited in claim 113. Claims 114-140 are dependent on claim 113. As such, claims 114-140 are believed allowed as they are dependent upon allowable independent claim 113. Notably, while dependent claims 129-140 recite “an attained standardized athleticism level” or “athleticism level standards tables,” the claimed combinations of the present application are patentably distinct from those of claims 1-94 of U.S. Patent No. 6,746,370.

New independent claim 141 is directed to a data processor program product. The data processor program product includes a data processor program processable by a data processor and an apparatus from which the data processor program is accessible by the data processor (**FIG. 10**). The data processor program is capable of enabling the data processor to facilitate receiving subscriber performance data for a plurality of athleticism development program subscribers and storing the subscriber performance data in a database (**pg. 21, lines 3-8**). The subscriber performance data for each of the plurality of athleticism development program subscribers comprises a plurality of athleticism performance evaluation quantitative results (**pg. 7, lines 12-13; pg. 15, lines 4-9**), and a plurality of training set performance evaluation component quantitative results corresponding to a plurality of training set performance evaluation components (**pg. 9, lines 12-13; pg. 10, Table 4; pg. 15, lines 4-9**). The

program is also capable of enabling the data processing to facilitate determining an athleticism performance evaluation achieved score based on a subscriber-specific athleticism performance evaluation quantitative result for each of the plurality of athleticism development program subscribers, wherein determining the athleticism performance evaluation achieved score comprises comparing the subscriber-specific athleticism performance evaluation quantitative result with a baseline athleticism performance evaluation score (**pg. 10, lines 16-20**); determining a training set performance evaluation component achieved score based on a corresponding subscriber-specific training set performance evaluation component quantitative result for each of the plurality of athleticism development program subscribers, wherein determining the training set performance evaluation component achieved score comprises converting the subscriber-specific training set performance evaluation component quantitative result to a corresponding training set performance evaluation component achieved score (**pg. 14, lines 20-28; pg. 15, lines 4-9**); and preparing a subscriber performance report for a specified one of the plurality of athleticism development program subscribers (**FIG. 9; pg. 21, line 22—pg. 22, line 23**). Support for the newly added claim may be found in the Specification, for instance, the parenthetical references indicate at least one instance of support in the original specification.

For reasons similar to those provided in the discussion of claim 113, Applicants submit the invention of claim 141 is patentable. Claims 142-167 depend from claim 141, and are believed allowable based at least in part upon claim 141.

New independent claim 168 is directed to a system for facilitating management of athleticism development program data including a data processor, memory connected to the data processor; and a data processor program (**FIG 10**). The data processor program is capable of enabling the data processor to facilitate receiving subscriber performance data for a plurality of

athleticism development program subscribers and storing the subscriber performance data in a database (**pg. 21, lines 3-8**). The subscriber performance data for each of the plurality of athleticism development program subscribers comprises a plurality of athleticism performance evaluation quantitative results (**pg. 7, lines 12-13; pg. 15, lines 4-9**), and a plurality of training set performance evaluation component quantitative results corresponding to a plurality of training set performance evaluation components (**pg. 9, lines 12-13; page 10, Table 4**). The program is also capable of enabling the data processing to facilitate determining an athleticism performance evaluation achieved score based on a subscriber-specific athleticism performance evaluation quantitative result for each of the plurality of athleticism development program subscribers, wherein determining the athleticism performance evaluation achieved score comprises comparing the subscriber-specific athleticism performance evaluation quantitative result with a baseline athleticism performance evaluation score (**pg. 10, lines 16-20**); determining a training set performance evaluation component achieved score based on a corresponding subscriber-specific training set performance evaluation component quantitative result for each of the plurality of athleticism development program subscribers, wherein determining the training set performance evaluation component achieved score comprises converting the subscriber-specific training set performance evaluation component quantitative result to a corresponding training set performance evaluation component achieved score (**pg. 14, lines 20-28; pg. 15, lines 4-9**); and facilitating preparation of a subscriber performance report for a specified one of the plurality of athleticism development program subscribers (**FIG. 9; pg. 21, line 22—pg. 22, line 23**). Support for the newly added claim may be found in the Specification, for instance, the parenthetical references indicate at least one instance of support in the original specification.

For reasons similar to those provided in the discussion of claim 113, Applicants submit the invention of claim 168 is patentable.

### **CONCLUSION**

For at least the reasons stated above, claims 113-168 are now in condition for allowance. Applicants respectfully request reconsideration of the present application. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or [ddevers@shb.com](mailto:ddevers@shb.com) (such communication via email is herein expressly granted) – to resolve the same. It is believed that no additional fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

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